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11 Attorneys for defendant

12 HAAS INDUSTRIES, INC.

13 **UNITED STATES DISTRICT COURT**

14 **NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO**

15 ONE BEACON INSURANCE COMPANY, a corporation, Plaintiff, vs. HAAS INDUSTRIES, INC., a corporation, Defendants. )  
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) **CASE NO. 3:07-CV-03540-BZ**

) **DECLARATION OF GEOFFREY W.**

) **GILL RE: ORDER TO SHOW CAUSE**

) Date: June 26, 2008

) Time: 4:00 p.m.

) Courtroom: Courtroom G

) Hon. Bernard Zimmerman

20 1. At all times relevant, I have been an attorney at law,  
21 duly admitted to practice before this court as well as federal and  
22 state courts in the states of California, New York and Florida. As  
23 "Of Counsel" to the law firm Countryman & McDaniel, Counsel for  
24 defendant Haas Industries, Inc., I am the attorney responsible for  
25 handling the above captioned matter. I respectfully submit this  
26 declaration in reference to the order to show cause returnable at  
27 the pre-trial conference of this matter, set for June 26, 2008.

1       2. On Thursday, June 5, 2008, in reviewing the file of this  
2 matter, I realized to my great embarrassment I, as well as  
3 plaintiff's counsel, had missed the date set for filing various  
4 pre-trial papers twenty (20) days before the originally set June  
5 23, 2008 pre-trial conference. I immediately placed a call to  
6 plaintiff's counsel, James Attridge, in the expectation that he and  
7 I could agree upon an approach most likely to mitigate further  
8 inconvenience to the court arising from this oversight and propose  
9 that approach in some manner to the court. Before hearing back  
10 from Mr. Attridge, I received a call from the court's clerk and  
11 upon discussing the matter with her, submitted a motion for an  
12 extension of time within which to file the requisite pre-trial  
13 papers. Mr. Attridge agreed with this approach.

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15       3. Fortunately, this case has been characterized by amicably  
16 professional dealings between Mr. Attridge and myself, and we have  
17 been able, notwithstanding that the case has not settled, to agree  
18 on numerous issues thereby minimizing the need for any judicial  
19 intervention. Following the June 11, 2008 mediation, we agreed  
20 upon limiting issues for trial, for example, excluding the issue of  
21 reasonableness of the Haas limitation that had been submitted as an  
22 issue in plaintiff's motion for summary judgment.

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24       4. As a result of further discussions with the court, the  
25 court permitted the parties to file their pre-trial papers on  
26 Friday, June 13, 2008. Mr. Attridge and I agreed that defendant  
27 would undertake the preparation and submission of the joint pre-  
28 trial conference statement and plaintiff's counsel would coordinate

1 and file the exhibits.

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3 5. My failure to adhere to the court's originally set  
4 schedule was inadvertent and attributable to oversight on my part.  
5 I do regret and apologize to the court for any inconvenience  
6 resulting. In consequence of this uncharacteristic oversight, I  
7 have reassessed and tightened my personal calendaring procedures.

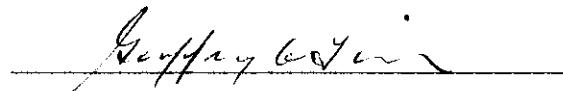
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9 I declare under penalty of perjury under the laws of the State  
10 of California and United States of America that the foregoing is  
11 true and correct.

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13 Executed at Los Angeles, California on June 23, 2008.

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GEOFFREY W. GILL

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